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TO: Commissioner of Patents
United States Patent and Trademark Office
ATTN: EXAMINER THANH K. TRUONG
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Ian Robinson (Signature)

FROM: Ian S. Robinson
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Listed below are the item(s) being submitted with this Certificate of Transmission:**

- 1) Election in Response to Examiner's Restriction Requirement with Traversal (3 pages)

Number of Pages Including this Page: 4

Inventor(s): Salman et al.

S.N.: 10/010,391

Confirmation No.: 6122

Filed: December 7, 2001

Case: 8384R

Comments:

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Appl. No. 10/010,391
Reply Dated June 9, 2003
Reply to Restriction Requirement of May 29, 2003

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Lab. Robinson 43,348
Agent Name Registration No.
Jan Robinson
Signature of Agent

Case 8384R

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of ::
NABIL ENRIQUE SALAMAN, et al. :: Confirmation No. 6122
Serial No. 10/010,391 :: Group Art Unit 3721
Filed December 7, 2001 :: Examiner T. K. Truong
For PORTABLE PACKAGING DEVICE AND METHOD FOR FORMING INDIVIDUALLY
PACKAGED ARTICLES

ELECTION IN RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT WITH
TRAVERSAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Restriction Requirement dated May 29, 2003.

REMARKS

The Examiner states that the present application contains three distinct inventions. More specifically, the Examiner alleges that these three inventions are:

- I. Claims 1-9, 11, 13-16, 18 and 20, drawn to an article packaging device, classified in class 53, subclass 568.
- II. Claims 10, 12 and 17, drawn to a method for manually forming a packaged article, classified in class 53, subclass 459.
- III. Claim 19, drawn to an apparatus for forming a pleated layered pack of tubular sheet, classified in class 493, subclass 239.

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APPLICANTS' RESTRICTION WITH TRAVERSE

In order to make a restriction in compliance with the M.P.E.P., Applicants restrict the present application to the first group, that is Claims 1-9, 11, 13-16, 18 and 20.

Applicants respectfully traverse this restriction requirement. Applicants submit that the Examiner has not satisfied various requirements in the M.P.E.P. in rendering the restriction requirement. M.P.E.P. §808 provides that:

Every requirement to restrict has two aspects, (1) the reasons (as distinguished from the mere statement of conclusion) why the inventions as claimed are either independent or distinct, and (2) the reasons for insisting upon restriction therebetween as set forth in the following sections. (Emphasis in original.)

Applicants submit that, the Examiner has failed to provide a requisite basis for the Restriction Requirement per Part (1) of M.P.E.P. §808. Instead, the Examiner's comments regarding the restriction are merely conclusory. Furthermore, contrary to Part (2) of M.P.E.P. §808, the Examiner has provided insufficient reasons, as described in other sections of the M.P.E.P., for insisting upon restriction.

In any event, since the claims of group I and II are similar in subject matter, technology and application, there would be no significant burden placed on the Examiner to search and examine these two groups together.

For all of the above reasons, Applicants hereby traverse the Restriction Requirement since the restriction in this instance is improper and the Examiner failed to provide the proper analysis detailed explanation in the Restriction Requirement mandated by the rules and the searching and examining all of the claims at issue would present no significant burden on Examiner. For all of the above reasons, the Restriction Requirement is improper and should be withdrawn.

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CONCLUSION

Applicants have restricted, with traverse, the present application to the set of claims the Examiner has identified as group I, that is the claims directed to the portable packaging device. The claims in this group are Claims 1-9, 11, 13-16, 18 and 20. Because the Examiner has not satisfied the burden of demonstrating that restriction is proper, Applicants request reconsideration of the election of species requirement.

Respectfully submitted,



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Date: June 9, 2003

Customer No. 27752
(8384R restriction.doc)